

SECOND DAY (Continued)

(Thursday, January 11, 1951)

After Recess

The Senate met at 10:45 o'clock a.m., and was called to order by the President pro tempore.

Senate Resolution 3

By unanimous consent Senator Lane offered the following resolution at this time:

Whereas, The Government Class of Howard Payne College, Brownwood, Brown County, Texas, together with its sponsor, Dr. Henry Adams, Chairman of the Department of Government; and

Whereas, Said class is on an educational tour of the Capitol and are interested in the Legislative work of the Senate; now, therefore, be it

Resolved, By the Senate of Texas, that said class and its sponsor be and they are hereby extended a cordial welcome to the Capitol today.

The resolution was read and was adopted.

Senate Bills on First Reading

By unanimous consent, the following bills were introduced, read first time and held, by the President pro tempore, pending the appointment of the Standing Committees:

By Senator Carney:

S. B. No. 7, A bill to be entitled "An Act amending Article 1302, Chapter 1, Title 32 of the Revised Civil Statutes of Texas, 1925, as amended, by adding thereto a new subdivision providing for the creation of private corporations to act as and to furnish the agent upon whom process may be served, for receipt of communications and notices, and for the performance of any lawful act, and to establish and maintain registered offices for corporations and other organizations, domestic or foreign, and for individuals; providing that no such corporation shall as agent carry on the business of another; and declaring an emergency."

By Senator Vick:

S. B. No. 8, A bill to be entitled "An Act amending Senate Bill No. 135, Acts of the Regular Session of

the Forty-sixth Legislature, (Article 5068-1 of Vernon's Texas Statutes), by adding a new section providing that companies operating under the provisions of said Act may under certain conditions purchase reinsurance from similar companies or from other companies licensed to write life, health and accident insurance in Texas; limiting the amount that may be paid for such reinsurance; providing for the approval of such contracts or agreements by the Board of Insurance Commissioners of Texas; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Committee to Escort Governor

The President pro tempore announced the appointment of the following committee to escort the Governor to the joint session provided for in H. C. R. No. 2:

Senators Aikin, Carney, Fuller, Lane and Lock.

Temporary Committee on Contingent Expenses

The President pro tempore announced the appointment of the following temporary committee on Contingent Expenses:

Senator Moffett, Chairman, Senators Aikin and Bullock.

Joint Session

(To Hear Message of Governor)

The President pro tempore announced that the hour fixed by the concurrent action of the two Houses to meet in joint session to hear the message of the Governor had arrived.

Accordingly, the President pro tempore of the Senate and Senators present proceeded to the Hall of the House of Representatives at 11:00 o'clock a.m.

The Senators were announced and were admitted and escorted to seats already prepared for them along the aisle.

The President pro tempore of the Senate, by invitation of the Speaker, occupied a seat on the Speaker's rostrum.

The President pro tempore called the Senate to order, announced the

purpose of the joint session, and announced a quorum of the Senate present.

Hon. Reuben Senterfitt, Speaker of the House, called the House to order, announced the purpose of the joint session and requested the members of the House to register.

A quorum of the House was announced present.

Governor Allan Shivers and party were announced by the Doorkeeper of the House.

Accompanied by Mrs. Shivers and the Honorable John Ben Shepperd, Secretary of State, the Governor was escorted to the Speaker's rostrum by Senators Aikin, Carney, Fuller, Lane and Lock, on the part of the Senate, and Representatives Williams of Scurry, Perry of Erath, Rampy, Miller and McCann, on the part of the House.

The Speaker of the House presented the Honorable Allan Shivers, Governor of Texas, to the joint session.

The Governor then delivered to the joint session the following address:

Mr. Speaker, Mr. President of the Senate, Members of the 52nd Legislature:

I appreciate this privilege of delivering to you in person my opening message on the condition of the State, as required by our Constitution.

As we enter this 52nd legislative session, I congratulate you upon a progressive beginning.

Our financial picture is not encouraging. The State Comptroller has estimated a two-year deficit of \$110,000,000 in available general revenues at the current rate of spending.

Obviously, we must spend *less*—tax *more*—or both.

The long shadow of another world war has fallen across our nation, our State and our homes. State problems become secondary. They must be resolved thus:

"Will this contribute to—or will it hinder—the national mobilization effort?"

It is not too much to ask—indeed, it is *essential* to ask—that every State undertaking not necessary to the maintenance of a strong, sound home front be eliminated or drastically reduced.

The inevitable, and already evident, federal demand for more taxes, more materials and more manpower will have to be given priority over similar State and local demands.

Yet we must not overlook the fact that our State, city and county governments are feeling the pinch of inflation and increased demands for local services. The government dollar of today, as compared with the government dollar of 1939, has the same 50-cent value as the business dollar.

The essentials of State government cost money. An anticipated increase in oil and gas revenues, through increased production, will help pay for some of them. But how this Legislature can balance the budget, as required by the Constitution, without crippling our schools and State hospitals and without curtailing a program of old age assistance and other public welfare already made inadequate by the inroads of inflation—and all this without the imposition of some new taxes—is a problem for which no one has yet suggested a solution.

The question, quite frankly, has ceased to be *whether* we will need new taxes. The real question is how large—or better, let us say, how *small*—the new levy will be.

That question is difficult, if not impossible, to answer at this time. Much depends upon the judgment, the ability and the willingness of this Legislature to separate the essential from the non-essential, and upon the wisdom and the understanding of the people of Texas. My confidence both in the Legislature and in the people is virtually unbounded. I think we are going to make reasonably satisfactory answers to these perplexing questions that confront us.

This Legislature, in its wisdom, may find it possible to accomplish a number of needed reforms at little or no cost to the State. These areas might include:

Redistricting—legislative, congressional and judicial.

Recodification and strengthening of the code of *criminal procedure*, the *insurance code*, the *water code* and especially the *election laws*, and correction of the numerous "bracket laws" made inapplicable by the 1950 census.

Traffic safety, through improvement of the related statutes.

States' rights, encompassing support of affirmative congressional ac-

tion to return our confiscated tidelands; resistance to federal encroachment on our rivers and other natural assets, and intensified support of such State-control bulwarks as the Interstate Oil Compact Commission and the Council of State Governments—all of which can be done at relatively insignificant cost.

Research in the tremendously important field of secondary recovery of oil, for which special funds are already available and at no drain on the General Revenue.

Increased efficiency and improvement in the machinery of government, initiated by asking the people to approve four-year instead of two-year terms for most of our State and local officials.

Internal security and protection against sabotage, with particular reference to *enforceable* controls on the activities of members of the Communist party.

These are merely some of the ways in which this Legislature might improve the condition of the State without further impairing the present precarious condition of the State Treasury.

But we need to search not alone for ways *not* to *spend* money—we need to find ways to save money.

The assignment grows more difficult. It is not a popular or pleasant task either to suggest added taxes or to deny appropriations to sincere and important groups that demand them. But you and I were elected to face these problems.

"Education" has lately become a magic password to the Treasury of this State. In the intensive and generally commendable push for larger educational appropriations, our State-supported senior colleges and State-assisted junior colleges have all shared. Since the biennium of 1946-47 we have added approximately \$22,000,000 to the two-year cost of higher education and \$80,000,000 to the cost of public school education. Add to this the \$20,000,000 in ad valorem tax revenues which the people voted to take from the State and give to the counties, and the total is more than the presently estimated deficit of \$110,000,000.

You and I can take pride in expanded opportunities for Texas boys and girls, improved facilities at our schools, and better salaries for Texas

teachers. We want to see our education system grow better and better.

But the time has come to ascertain whether we are growing *better* or merely *bigger* . . . whether we are substituting *quantity* for *quality* . . . and whether the system as it now exists may be criticized for costly overlapping and duplication of services.

Circumstances are such as almost to force the 52nd Legislature to face this critical question. Regrettably, time will not permit a thoroughgoing survey needed as a basis of permanent reform; yet now, of all times, we cannot afford the dubious luxury of an uncoordinated, overlapping system of higher educational institutions competing with each other and with other equally essential State functions for increasingly scarce tax dollars.

Close teamwork between the Legislature and the schools must be the immediate answer. I recommend that a legislative group together with an educational group, established by statute, start work as soon as possible—during *this* session—upon a realistic solution that will involve neither the crippling of really essential functions nor merely the effectuation of token economies at the expense of faculty salaries. A commendable start has been made by the Legislative Council and its Advisory Committee.

At an early date I expect to submit a special message on the subject of highways and roads. The farm-to-market road program must be continued, but I think it advisable for this Legislature to consider most seriously the desirability of financing all highway construction and maintenance from the Highway Fund rather than partially from our already overburdened General Revenue Fund.

This Legislature, I know, will consider long before it creates *any* new boards, bureaus or commissions, or contributes measurably to the financial support of any *new* State services. I recommend that those agencies now supported by special fees and assessments be allowed to contribute regularly a *fixed percentage* of their funds to the General Revenue, in exchange for general services rendered to them by other State departments supported out of the General Revenue Fund.

The "incidental" expenditures of all State departments and agencies, for travel, office supplies and the like, should be carefully screened by the proper committees of this Legislature

to ascertain if worthwhile savings could be realized. I recommend particularly that expenditures for State automobiles be eliminated except for enforcement, defense and investigative purposes, and that there be substituted a mileage refund for actual State business only.

We will need these and other savings to balance off necessary expenditures for increased medical training facilities, a continuation of the prison reform and youth development programs and other vital appropriations. One possible bright spot—I think you will find a surplus in the Special Building Fund for State Hospitals sufficient to construct needed facilities at Southwestern Medical School at Dallas and the Texas Dental School at Houston.

I feel, furthermore, that this Legislature will take cognizance of the soaring cost of living in fixing the salaries of State employees. If it is important for the government to employ capable personnel, then State salaries must be in line with those of private business. One of the crying needs in our government today is a good job classification survey that would enable the budget-makers to recommend and the Legislature to authorize salary scales appropriate to the work and responsibility involved. I recommend this project to you.

I suggest one new service that might be justified, even under present circumstances. We do not have the money or experience to set up a complete statewide network of paid parole supervisors; yet the clemency policies of this State will continue to be loose and ill defined until that is done. The Adult Probation Law might be *partially* activated by the installation of "pilot" supervisor offices in a few thickly populated counties where the majority of prison parolees are to be found.

I have not yet mentioned the one area, above all others, in which the State of Texas must be prepared to spend whatever money is necessary to protect its citizens. That is the project we call *civil defense*.

The Executive Department and other State agencies have done all they can toward mapping civil defense in this State in the absence of financial assistance. We have spent considerable money and time, and have been commended for our efforts in comparison with other States. Recommendations based upon an interpretation

of the recent congressional Civil Defense Act, along with a summary of State activities already under way, will be sent to you as soon as possible.

Meanwhile, I hope you will protect the slender balance in our General Revenue Fund for civil defense. Other "emergencies," however urgent, pale before the necessity of protecting our homes, businesses and public facilities against sabotage, and our own lives against a possible enemy attack.

Eventually, large sums of money may have to be expended in this program.

In summary, our immediate picture is full of uncertainties but this much we know:

The size of our tax bill is going to depend upon the appropriations of this Legislature for:

- State departments;
- Hospitals and special and correctional schools;
- Education;
- The judiciary;
- The prison system;
- Public welfare;
- Highways, and
- Civil defense.

These are the "musts" of State government. Generally speaking, we cannot dispense with any of them and continue to operate. They ought to be considered as early as possible in the session, in order that proper steps to finance them will not be long delayed.

They ought to be considered in the light of the national emergency. They ought to be approached from the standpoint of what we can *afford* to do, rather than what we would *like* to do. Each separate item in each category must be put to the test of this simple formula:

1. Can we afford it?
2. Can we afford to do without it?

In my opinion, this Legislature can render no greater service to the people of Texas than to make sure that these "must" items are *studied, passed and financed* before less urgent matters are given priority.

It will be my duty and my desire to confer with you continually in order that together we may strive to find a sound and sensible way out of our financial dilemma. To that end I expect to submit for your consideration special messages on some of these all-important subjects.

While we are working in this wise,

I feel it would be entirely in order for the Legislature—acting through its House Committee on Revenue and Taxation—to:

- (1) *Explore our present tax structure for the purpose of*
- (2) *determining who now pays or does not pay taxes in Texas,*
- (3) *how much or how little, and*
- (4) *why or why not.*

With this information, supplemented with the extensive reports of the Legislative Council and the preliminary findings of the Texas Economy Commission, the Legislature will be prepared to write a tax bill, or revise existing tax measures, so as to raise the required revenue—and no more—without overburdening any segment of business or industry.

Let us strive for a situation in which no one shall pay more than his share—and no one less. Let us honor the constitutional provision that requires “equal and uniform” taxation.

Cognizance will have to be taken of the fact that the federal government, now as never before, has preempted the income tax field; and of the further fact that inflation has so pinched the little man that a general sales tax, never desirable, is entirely out of the question.

We have a real job to do. The challenge is great. Equally great is the opportunity for public service in a time when unselfish effort and true statesmanship were never at a higher premium.

One of the genuine pleasures of my first year in the Governor's Office grew out of the feeling of close association between that office and the Legislature. From the bottom of my heart I extend to you my best wishes and the promise of unflagging cooperation in this, one of the most important legislative sessions in the history of our great State.

At the conclusion of the Governor's address, the President pro tempore announced the purpose of the Joint Session concluded and requested the Senate to retire to its Chamber.

In the Senate

The President pro tempore called the Senate to order at 11:35 o'clock a.m.

Message from the Governor

Mr. Garland Smith, Administrative Assistant to the Governor, having been announced by the Doorkeeper, presented the following messages from the Governor:

Austin, Texas,
January 11, 1951.

To the Senate of the 52nd
Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To Be Life Insurance Commissioner for six-year term to expire February 10, 1957:

George B. Butler of Austin, Travis County.

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

Austin, Texas,
January 10, 1951.

To the Senate of the 52nd
Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments, made since the adjournment of the First Called Session, Fifty-first Legislature:

To Be a Member of the Texas Burial Association Rate Board to fill the unexpired term of Harry O. Skinner, resigned, term to expire June 12, 1955, Dale Broussard of Beaumont, Jefferson County;

To Be Firemen's Pension Commissioner for term to expire July 1, 1951, Frank Williams of Winters, Runnels County;

To Be Branch Pilots for the Port of Galveston and Texas City, for two-year term to expire September 10, 1952, Kent O. Barton of Galveston County; for two-year term to expire October 16, 1952, Giles W. Hatch of Galveston County;

To Be Branch Pilots for Galveston Bar and Houston Ship Channel, for two-year terms to expire March 15, 1952, A. S. Borup of Harris County; C. W. Burlison of Harris County; F. A. Parker of Harris County; J. E. Rowland of Harris County;

To Be Branch Pilots for Galveston Bar and Houston Ship Channel, for two-year term to expire January 26, 1952, Lewis Bennett of Harris

County; for two-year term to expire March 23, 1952, Michael F. Russell of Harris County; for two-year terms to expire August 23, 1952, Leo Skinner of Harris County, Chas. O'Brien of Harris County;

To Be Associate Justice of the Supreme Court of Texas to fill the unexpired term of Honorable James P. Hart, resigned, Cyde E. Smith of Woodville, Tyler County;

To Be Judge of the 75th Judicial District to fill the unexpired term of Judge Clyde Smith, resigned, P. C. Matthews of Liberty, Liberty County;

To Be Judge of the 65th Judicial District to fill the unexpired term of the late Judge Ballard Coldwell, Morris Galatzan of El Paso, El Paso County;

To Be Judge of the 17th Judicial District to fill the unexpired term of Judge Frank Culver, resigned, Jack Langdon of Fort Worth, Tarrant County;

To Be Judge of the 20th Judicial District to fill the unexpired term of Judge W. A. Morrison, resigned, O. D. Graham of Thorndale, Milam County;

To Be Judge of the 43rd Judicial District to fill the unexpired term of Judge J. E. Carter, resigned, Frank Fulgham of Weatherford, Parker County;

To Be a Member of the State Board of Examiners for Land Surveyors to succeed A. C. Stimson, resigned, John Baker of Fort Worth, Tarrant County;

To Be Members of the Board of Directors of the Nueces River Conservation and Reclamation District (terms to expire February 1, 1951), Carroll Wheeler of McMullen County, to fill unexpired term of Albert Steves, deceased; Lytle Tom of Campbellton, Atascosa County, to fill unexpired term of John Casey, deceased; (term to expire February 1, 1953) Lee Pope, Jr., of Three Rivers, Live Oak County, to fill unexpired term of Tom Miller, deceased; (term to expire February 1, 1955) L. J. Dean of Campwood, Real County, to fill unexpired term of J. M. Cavender, deceased;

To Be Members of the Board of Directors of the Neches River Conservation District, terms to expire September 5, 1955, Oscar Burton of Tyler, Smith County; James W. Peavy, Lufkin, Angelina County, Ben Hearne, Palestine, Anderson County; terms to

expire September 5, 1953, J. M. Travis of Jacksonville, Cherokee County, E. R. Gregg of Rusk, Cherokee County, Jim Ben Eden of Corrigan, Polk County; term to expire September 5, 1951, Joe Richards of Trinity, Trinity County;

To Be a Member of the State Board of Optometry to fill the unexpired term of Dr. A. H. Rebsch, deceased, term to expire August 11, 1953, Dr. Robert H. Shipman of San Antonio, Bexar County;

To Be Branch Pilots for Port Aransas Bar, Corpus Christi Bay and Tributaries, for two-year terms to expire April 13, 1952, Clyde W. Armstrong of Nueces County; Albert A. Walker of Nueces County; for two-year terms to expire June 15, 1952, John Frederick Mathisen of Nueces County; Virgil Thomas Lindley of Nueces County; for two-year term to expire August 30, 1952, Gilbert S. Spinney of Nueces County; for two-year term to expire August 12, 1952, Max J. Luther, Jr., of Nueces County;

To Be Branch Pilot for the Port Isabel-San Benito Navigation District, Brazos de Santiago and Harbor and Rio Grande Bar, for two-year term to expire June 14, 1952, Stanley E. Ridley of Cameron County;

To Be Member of the San Jacinto State Park Commission to fill the unexpired term of the late Will Kendall, term to expire May 23, 1951, Charles E. Gilbert, Jr., of Houston, Harris County;

To Be a Member of the Sabine River Authority to fill the unexpired term of E. G. Prud'homme, resigned, term to expire July 6, 1953, Drayton B. Speights of Hemphill, Sabine County;

To Be a Member of the San Jacinto State Park Commission to fill the unexpired term of O. H. Carlisle, deceased, term to expire May 23, 1951, W. T. Kendall of Houston, Harris County;

To Be Branch Pilots for Sabine Bar, Pass and Tributaries for two-year terms, to expire March 8, 1952, F. D. French of Jefferson County; to expire April 26, 1952, Carlyle J. Plummer of Jefferson County, A. N. Dillon of Jefferson County; to expire March 25, 1952, Edgar Woodhouse of Jefferson County; to expire December 13, 1952, Ollie E. Moore of Jefferson County, A. M. Castle, Jr., of Jefferson County;

ty, W. M. Carroll of Jefferson County, Surrey B. Ellis of Jefferson County, William F. Fredeman of Jefferson County, James R. Livingston of Jefferson County, Howard C. Plummer of Jefferson County, Victor E. Sanford of Jefferson County, L. S. Tibbetts of Jefferson County, T. I. Truitt of Jefferson County;

To Be a Member of the Board of Directors, Texas State University for Negroes, to fill the unexpired term of Craig Cullinan, resigned, term to expire February 1, 1953, Dr. M. E. Sadler of Fort Worth, Tarrant County;

To Be Members of the State Board of Tuberculosis Nurses Examiners, for six-year term to expire May 15, 1956, Miss Mildred Blair, Sanatorium, Tom Green County; for four-year term to expire May 15, 1954, Mrs. Edna G. Thomas, Mission, Hidalgo County; for two year term to expire May 15, 1952, Mrs. Jessie Williams Smith, Sanatorium, Tom Green County;

To Be a Member of the Board of Directors, Texas State University for Negroes to fill unexpired term of Charles K. Devall, resigned, term to expire February 1, 1955, Dr. H. D. Bruce of Marshall, Harrison County;

To Be a Member of the Board of Directors, Texas State University for Negroes to fill unexpired term of Major T. Bell, resigned, term to expire February 1, 1951, Spurgeon Bell of Houston, Harris County;

To Be a Member of the Board of Trustees of the Teacher Retirement System to fill unexpired term of Dr. J. W. Edgar, resigned, term to expire August 31, 1953, C. O. Chandler of Orange, Orange County;

To Be a Member of the Texas Civil Judicial Council to fill unexpired term of Judge L. Broeter, O. L. Parish of Ballinger, Runnels County;

To Be Commissioner to the National Conference on Uniform State Laws to fill unexpired term of Julius C. Jacobs, resigned, term to expire July 7, 1953, Charles T. McCormick of Austin, Travis County.

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

The messages were read and were held by the President pro tempore pending the appointment of the Standing Committees.

At Ease

At 11:40 o'clock a.m., the President pro tempore announced the Senate would stand at ease subject to the call of the Chair.

The President pro tempore called the Senate to order at 11:55 o'clock a.m.

Bill Signed

The President pro tempore signed, in the presence of the Senate, after the caption had been read, the following enrolled bill:

H. B. No. 1, Making an appropriation of \$750,000 to pay contingent expenses, mileage and per diem of members and per diem of officers and employees of the Regular Session of the 52nd Legislature, etc.

Adjournment

On motion of Senator Hudson, the Senate at 11:59 o'clock a.m. adjourned until 10:30 o'clock a.m. on Monday, January 15, 1951.

Record of Vote

Senator Phillips asked to be recorded as voting "nay" on the motion to adjourn.

THIRD DAY

(Monday, January 15, 1951)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called, and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Carter	Moore
Colson	Nokes
Corbin	Parkhouse
Fuller	Phillips
Hardeman	Russell
Hazlewood	Shofner
Hudson	Strauss
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

Absent—Excused

Bell	Vick
Tynan	